

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

WARREN PINCHUCK, individually, and on behalf of all others similarly situated, Plaintiff,	)	
	)	
-against-	)	CIVIL ACTION NO.
	)	1:10-cv-11776-JLT
HENRI A. TERMEER, MICHAEL S. WYZGA, ROBERT J. CARPENTER, CHARLES L. COONEY, DOUGLAS A. BERTHIAUME, GAIL K. BOUDREAUX, ROBERT J. BERTOLINI, VICTOR J. DZAU, CONNIE MACK III, RICHARD F. SYRON, RALPH V. WHITWORTH, STEVEN BURAKOFF, ERIC ENDE, DENNIS J. FENTON, and GENZYME CORPORATION, Defendants.	)	
	)	

**NOTICE OF DISMISSAL WITHOUT PREJUDICE**

Pursuant to Rule 41(a)(1)(a) of the Federal Rules of Civil Procedure, Plaintiff hereby provides notice of dismissal of this action, without prejudice, with each party to be responsible for its own attorneys' fees and costs. Defendants have not served an answer or motion for summary judgment to Plaintiff's complaint.

WARREN PINCHUCK

By its attorney,

/s/ Peter R. Pendergast

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Dated: December 6, 2010

**CERTIFICATE OF SERVICE**

I, Peter R. Pendergast, attorney for plaintiff Warren Pinchuck, hereby certify under the penalties of perjury that on this 6<sup>th</sup> day of December 2010, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, which constitutes service by electronic means under D. Mass. Local Rule 5.4(c) upon defendant's counsel, John D. Donovan, Jr., Esq., Ropes & Gray, Prudential Tower, 800 Boylston Street, Boston, MA 02199-3600.

*/s/ Peter R. Pendergast*

Peter R. Pendergast